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Michelle Fais

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3637

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Thomas W. Obrock et al.)	Group Art Unit 3637
)	
Filed: August 22, 2001)	Examiner Anderson
)	
Serial No.: 09/934,943)	Attorney Docket 1-15090
)	
For: REFRIGERATION SHELF AND)	
METHOD OF MAKING THE)	
SAME)	

Commissioner for Patents
Washington, D.C. 20231

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GROUP 3600

RESPONSE TO RESTRICTION REQUIREMENT

Honorable Sir:

This is in response to the Official Communication dated November 5, 2002, received in the above-identified application.

The Examiner acknowledged applicants' election without traverse of the claims of Group I. The Examiner indicated that applicants' election of Figures 1-15, 20-22, 26, 27 and 34 included multiple species of the invention. The Examiner requested that applicant elect a single Figure that best represents a preferred embodiment and the claims that read on the elected Figure.

On November 19, 2002, applicants' attorney and the Examiner spoke on the phone. The Examiner indicated that applicants are to elect a single Figure that best

represents a preferred embodiment and the claims that read on that elected Figure.

Applicants may also state which Figures are comparable with the single Figure.

Applicants' attorney has not found support for this specific requirement in the Manual of Examination Procedure. Applicants have elected figures, however, which best represent a preferred embodiment of the present invention to comply with the Examiner's request and move the application forward.

Applicants elect the species as best shown in Figure 2 but also comparably shown in Figure 3. The claims which read on the species disclosed in Figures 2-3 include 1, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24, 25 and 26.

Applicants have made the above election of species to comply with 35 U.S.C. 121 for the sole purpose of prosecution on the merits. Applicants' election should not be construed in any way to limit the scope or spirit of any of the embodiments of the present invention disclosed in the application.

It is now believed that an action on the merits is in order and such is respectfully requested.

Respectfully submitted,



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